

BRIAN S. KABATECK, SBN 152054
(bsk@kbklawyers.com)
RICHARD L. KELLNER, SBN 171416
(rlk@kbklawyers.com)
KAREN LIAO, SBN 256072
(kliao@kbklawyers.com)
KABATECK BROWN KELLNER LLP
644 South Figueroa Street
Los Angeles, CA 90017
Telephone: (213) 217-5000
Facsimile: (213) 217-5010

*Attorneys for Plaintiffs Theodore Kagan,
James Aven, Frances Levy, Elaine Soffa,
Joseph Soffa, Alberkrack Family
Limited Partnership and the proposed class*

Barbara Quinn Smith (*Pro Hac Vice*)
(bqsmith@mhclaw.com)
MADDOX HARGETT & CARUSO PC
9853 Johnnycake Ridge Road, Suite 302
Mentor, OH 44060
Telephone: (440) 354-4010
Facsimile: (440) 848-8175

*Attorneys for Plaintiff Brent Balkema
and the proposed class*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

THEODORE KAGAN, JAMES
AVEN, FRANCES LEVY, ELAINE
SOFFA, JOSEPH SOFFA, and
ALBERKRACK FAMILY LIMITED
PARTNERSHIP, on behalf of
themselves and all others similarly
situated,

Plaintiff,

vs.

WACHOVIA SECURITIES, L.L.C., a
North Carolina limited liability
company; WACHOVIA
SECURITIES FINANCIAL
NETWORK, L.L.C., a North Carolina
limited liability company;
WACHOVIA CAPITAL MARKETS,
L.L.C., a North Carolina limited
liability company; WELLS FARGO
ADVISORS, L.L.C., a Delaware

Case Nos. CV 09 5337 SC and
CV 11 0412 SC

Hon. Samuel Conti

**STIPULATION OF BRIEFING
SCHEDULE FOR PLAINTIFF'S
MOTION FOR CLASS
CERTIFICATION AND
[PROPOSED] ORDER THEREON**

STIPULATION ON BRIEFING SCHEDULE AND [PROPOSED] ORDER THEREON

1 limited liability company; WELLS
2 FARGO ADVISORS FINANCIAL
3 NETWORK, L.L.C., a Delaware
4 limited liability company; WELLS
5 FARGO SECURITIES, L.L.C., a
6 Delaware limited liability company;
7 WELLS FARGO & COMPANY, a
8 Delaware corporation; and DOES 1
9 through 10, inclusive,

Defendants.

7 BRENT BALKEMA, as Trustee for
8 the Jesse J. Balkema Rev Trust, on
9 behalf of himself and all others
10 similarly situated,

Plaintiff,

vs.

11 WACHOVIA SECURITIES, LLC, a
12 North Carolina limited liability
13 company, WACHOVIA
14 SECURITIES FINANCIAL
15 NETWORK, LLC, a North Carolina
16 limited liability company, WELLS
17 FARGO ADVISORS LLC; a
18 Delaware limited liability company,
19 WELLS FARGO SECURITIES
20 FINANCIAL NETWORK, LLC, a
21 Delaware limited liability company,

Defendants.

Through this Stipulation, Plaintiffs Theodore Kagan, James Aven, Frances Levy, Elaine Soffa, Joseph Soffa, Alberkrack Family Limited Partnership, Brent Balkema (“Plaintiffs”) and Defendants Wells Fargo Advisors, LLC (sued under its own name and also under the name “Wachovia Securities, LLC”), Wells Fargo Advisors Financial Network, LLC (sued under its own name and also under the name “Wachovia Securities Financial Network, LLC”), Wells Fargo Securities (sued under its own name and also under the name “Wachovia Capital Markets, LLC”) and Wells Fargo & Company (“Defendants”), collectively referred to herein as the “Parties,” through their counsel of record, stipulate to the extension of all deadlines relating to Plaintiff’s Motion for Class Certification.

WHEREAS, at the status conference of April 15, 2011, the Court set the hearing for Plaintiff’s Motion to Certify the Class for July 22, 2011 at 10:00 a.m.;

WHEREAS, the following deadlines regarding Plaintiff’s Motion for Class Certification apply based on the July 22, 2011 hearing date:

| | |
|----------------------------|---------------|
| Plaintiff’s Motion Due | June 17, 2011 |
| Defendant’s Opposition Due | July 1, 2011 |
| Plaintiff’s Reply Due | July 8, 2011 |

WHEREAS, during the last several weeks, the Parties have engaged in extensive good faith settlement discussions and have agreed on the framework in principle for reaching a final settlement agreement. The Parties anticipate that they will complete their negotiations within the next three weeks;

WHEREAS, should the Parties reach an agreement on a final settlement, Plaintiff’s motion for class certification would be moot and the Parties do not wish to burden the Court with unnecessary filings;

San Francisco, CA 94111-4067
Telephone: 415.393.2000
Facsimile: 415.393.2286
donald.davidson@bingham.com
kevin.woods@bingham.com
sarah.bishop@bingham.com

By: /s/
Michael D. Blanchard (*Pro Hac Vice*)
*Counsel for Defendants Wells Fargo Advisors, Wells
Fargo Advisors Financial Network, LLC, Wells Fargo
Securities and Wells Fargo & Company*

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Pursuant to the stipulation of the Parties and good cause appearing, the hearing for Plaintiff's Motion for Class Certification is continued from July 22, 2011 to August 19, 2011. The deadline for Plaintiff's to file their motion for class certification is July 15, 2011. The deadline for Defendants to file their opposition to Plaintiff's Motion for Class Certification is July 29, 2011 and the deadline for Plaintiff to file a reply to the opposition is August 5, 2011.

DATED: 6/21, 2011

